

## BOSTON STORE.

THE WEATHER TUESDAY.  
Fair.

## Underwear

Great are the values we are giving in Ladies', Gent's and Children's good warm undergarments. You will find it cheaper to buy cold preventatives than pay doctor bills.

AT 22c A GARMENT—Ladies' heavy fleeced vests, all sizes, splendid value, worth 25c.

AT 25c A GARMENT—Ladies' vests and pants, extra heavy thick fleecing, well finished, worth 30c.

AT 30c A GARMENT—Ladies' vests and pants, made of fine yarn, with nice soft fleecing, silk finished, worth 50c.

AT 50c—Ladies' natural wool underwear, assorted sizes, good and warm, nice and soft, regular value, 1.00.

AT 50c—Ladies' union suits, fleeced lined, in natural and grey, all sizes, made Onetta style.

AT \$1 AND \$1.39—Ladies' "Munich" union suits, all sizes in grey, made Onetta style. This union suit is very desirable as it is non-shrinkable.

AT \$1 A GARMENT—Ladies' wool underwear in camels hair and scarlet, all sizes, made from pure wool and pure dyes. Doctors recommend these goods for rheumatism.

AT 25c A GARMENT—Boys' heavy fleeced underwear, all sizes, good and strong to fit ages from 12 years to 16 years.

FROM 5c UP—Children's fleeced underwear, properly made, we can fit all ages, prices rise according to size.

## Men's Underwear

AT 30c A GARMENT—The best heavy fleeced ribbed or plain garments ever sold over a counter. They are elegant values and can not be duplicated for 50c.

AT 50c A GARMENT—Heavy fleeced shirts and drawers in cotton or wool fleece in camels hair color, all sizes.

AT 75c A GARMENT—Men's natural and camels hair wool underwear, nice and soft, will give good satisfaction.

AT \$1, \$1.25 A GARMENT—Men's natural and camels hair wool underwear at \$1.25, the shirts are double breasted, back and front, made from fine selected yarns, splendid fitting, just the garment for cold winter weather.

Your attention to our stock of gloves and mittens. We have a great assortment at lowest prices.

150-152 S. Howard st.

## A Bargain!

Just received a car of flour, which we shall sell at

98c

a sack.

Flour guaranteed to give Satisfaction.

## Nolan Bros.

Leading Grocers  
301-303 Mill st. Akron, O.  
Tel. People's and Central, both Nos. 376.

## BALM OF ROSES.

Cures Chapped Hands or Lips,  
Burns and Pimples.

Guaranteed cure. 50c a tube. At all drug stores.

O. R. A. CHEMICAL CO.

## ARCADE CAFE!

## TRY OUR LUNCH

From 11:00 to 2:00

## Table d'Hote Dinners

Sunday Only ... 50c  
From 5:30 to 8:00 p. m.

M. E. SCHMIDT, Manager

## Central Cafe

If you want a First-Class Meal or the best foreign and domestic Wines and Liquors. Fine cigars of all kinds. Good fire lunch served all day.

M. AUGUSTEN, Props.  
E. DE MARSH,  
132 S. Howard St.

## EPPLEY IS GUILTY.

## This Conclusion Reached by Twelve Jurors.

They Were Out Twenty-Three Hours---Unusual Proceedings in Court Sunday Morning---Given Instructions.

Edmund Eppley was found guilty of the unlawful possession of dynamite.

The jury brought in a verdict at 4:05 o'clock Sunday afternoon after being out 23½ hours. For a long time the jury stood 10 for conviction and two for acquittal. He was found not guilty of the two last counts of the indictment. One charged the unlawful use of dynamite and the other the use of dynamite in destroying the city building.

The case was given to the jury Saturday afternoon at 3:30 o'clock. At 11:20 o'clock Sunday morning the jury came into court and announced that it could not agree. Judge Kohler refused to accept this statement as true and the jury was ordered to retire for further deliberations. The proceedings at the time the jury first came in were as follows:

The Clerk made the following inquiry of the jury: "Have you agreed upon a verdict, gentlemen?"

The foreman of the jury, Dr. Armstrong, answered: "We have not; we have agreed to disagree."

The Court made the following inquiry: "Is there any probability, gentlemen of the jury, of your being able to agree upon a verdict?" To which inquiry the foreman of the jury, answered: "I don't think there is."

The Court then gave the following instructions to the jury:

"I regret exceedingly that you have not been able to agree upon a verdict, nor do I wish to force a verdict by simply keeping you in confinement, but it is evident that 12 men sometime must determine this question, and I do not know of any 12 citizens who are better qualified to carefully weigh the testimony in the case and come to a conclusion than the 12 men before me."

"You were carefully examined before you were sworn, and were accepted as jurors upon your examination for the reason that your statements in answer to the preliminary questions fairly implied that you would render an impartial verdict according to the law and the testimony."

"In instructing you at the close of the arguments I was careful to say to you that you should consider the testimony in the case, and nothing but the testimony and the circumstances of the case."

"I instructed you particularly against allowing yourselves, or any one of you, to become partisans, or a partisan, of either party, and against considerations of sympathy or any other consideration than that of the testimony in the case; and, moreover, stated to you, that with the consequences legally flowing from your verdict, one way or the other, you had nothing to do; for the further responsibility of administering justice rests upon the court, and jurors are simply the handmaid of the court, so to speak, to aid the court by directed questions of fact."

"If jurors go out with the feeling that their own opinions shall and must prevail at all events, and that the verdict must be in accordance with their view, or not at all, it would be almost impossible, in many cases to get 12 men so constituted and so acting to agree upon a verdict. It is only when jurors act impartially, without fear or favor, review the testimony in the case candidly, reason with each other and willingly listen to arguments and to the weight of testimony with a willingness to be convinced if they are in error, that a verdict can ever be arrived at."

"I cannot better express my opinion upon this matter and my instruction than by adopting and reading to you, as my own instruction and advice, what was given to a jury in a similar case by a learned judge."

The court then read a charge in a well known case.

"I therefore, ask you, gentlemen of the jury, to lay aside all bias, favoritism or feeling, and every other consideration, except the testimony in this case, and if you do so I am quite confident that you will be as able to agree upon a verdict as any twelve men that can be selected."

"This case has already once been tried, as you have incidentally learned. The trial, or result of it, however, has nothing to do with your deliberations here. You do not know what the testimony was in that case and should not know. You should shut your eyes to every other fact and to every other consideration except the testimony in this case, and if you will regard that, and that alone, under the instructions of the court, I think you ought to be able to agree upon a verdict."

I think gentlemen of the jury, under the circumstances of this case, this being the second trial, that I shall ask you to consider this case further and see if you cannot agree upon a verdict. If, at the expiration of a reasonable time, the court is convinced that you cannot agree there is only one thing to do, but upon this, your first report, I think it is my duty to say that you should further consider the case before you are finally discharged."

Thereupon one of the jurors, (Mr. I. C. Gibson) asked the court the following question: "Would it be proper for

me to ask you a question—not that it concerns me particularly, but it does concern a number of the jurors, as to how the jury is to take the evidence from a witness. Is every witness that goes in the box, unless he is impeached here in this case, is his evidence to be taken one man with another, one woman with another, or should a jurymen, knowing that a certain witness is not truthful, is not reliable, that that should influence his conclusion or his judgment as to whether he should take his evidence or not; or are we to weigh the evidence given by a man by what the man is, by what his reputation is, or from his appearance, or from any reason that we may think he might be influenced to give testimony in that direction; for instance, there was a man testifying there that we might think, or some of the jury might think, he had some reason or was prompted by some motive to testify in that way, are we to take his testimony absolutely as he gives it as being absolutely correct, regardless of what we might know of him, or his motives? Do you catch my idea?"

The Court—"Under the law in this state hardly anyone is excluded from being competent to testify. Witnesses are brought before the court and jury, and if they are of suitable age and sound mind, they are competent to testify. The parties in a case, civil or criminal, are competent witnesses but the degree of credit which is to be given to any witness is always a matter for the jury to weigh, and that applies to every witness as well as to the parties in the case who testify, and, as I instructed you, you should weigh their testimony, the interest they may have in the case, or any bias, or anything that comes out in the case that impairs the witnesses' credibility. You should not, however, go outside of the testimony in the case and what appears from the appearance of the witness to discredit the witnesses. It is not your individual knowledge but you should weigh the testimony of each witness in the light of what has transpired here in court and from the witness stand."

Juryman Gibbons—"May I ask another question?"

The Court—"Yes, sir."

Juryman Gibbons—"Suppose a witness who is on the stand testified there in the case, and that some one of the jury has knowledge that his worthiness or his trustworthiness, or his truthfulness, is not to be relied upon, is he allowed to let that influence him in accepting his testimony in this case?"

The Court—"In answer to that question I will only call your attention to the oath that you have taken, that you would render a fair and impartial verdict according to the law and according to the testimony."

Mr. Sieber—"In that connection I ask your Honor to say that a juror has a right to give such credence to the evidence of a witness as he thinks he is entitled to, taking all the facts and circumstances in the case into consideration, and also his personal knowledge of the man who gave the testimony."

The Court—"Gentlemen, you are jurors; you are not witnesses; you must decide the case not upon the testimony of yourselves, or anyone of you, outside of court, but upon testimony in court."

Thereupon the jury retired for further deliberation.

The Court—"That instruction which you asked me to give, Senator, I refuse."

Mr. Sieber—"If Your Honor please, I want the record to show that the jury was called in at 11:20 Sunday morning, and that the jury asked for no instructions; and I except to all that Your Honor said, and to all that Your Honor read to them. I further desire to except, Your Honor, to the answers that Your Honor made to the inquiries of the Juror Gibbons; and I except to what Your Honor said after the request that was made by myself, and to the refusal to instruct the jury that they had a right to take into consideration their personal knowledge of the witness."

The Court—"The record ought to show that they sent word by the bailiff that they wanted to come out into court, they asked to come out and see the court."

Mr. Sieber—"I except to that going on the record."

When the jury brought in its verdict Eppley's aged father was in the room. He broke down when he heard the verdict read. He has been at his son's side during all the trial.

A motion for a new trial will be filed by the defendant.

## Jack Crile's Opening.

The fine new block in which Jack Crile has opened his restaurant and sample room will be opened tomorrow night, and Mr. Crile will entertain in lavish style. Chicken, turkey, duck, fish and other delicacies will be served to the guests, and a souvenir aluminum comb will be given them. Everybody is invited. Remember the place—on Main st., just opposite the Street Car Barn. Mr. Crile's new building is one of the best in Akron.

## Barberton

(Special Correspondence.)

Barberton, Nov. 26.—Electric contrivances of all kinds, and the public who depend on them, suffered severely as a result of last night's and this morning's blow.

The wires of the People's and Central Union Telephone companies blew down early this morning, west of Barberton.

West end is a mass of twisted wires and broken poles. The new poles of the telephone companies were first to give away, and those which were not pulled out, were broken off, and the whole fell across the tracks and wires of the Rapid Transit company.

Telephone connections between Barberton and Akron were very uncertain, and traffic was delayed for hours.

The telegraph poles on the B. & O. and Erie roads, south of Akron, were nearly all blown down or broken off, and trains are running very slowly, or not at all.

Gangs of men are at work trying to bring order out of the confusion, but it will require days before the damage can all be repaired.

A team belonging to Chas. Garrett, the drayman, became entangled with a live wire this morning, and were knocked down by the shock. No serious injury will result.

The team attached to the Doylestown bus was also shocked, but not seriously.

A consultation of ten of Barberton's 12 doctors was held in the Whitman case, and officially decided that the disease was not typhus, but typhoid.

When the case of Theodore Whitman was diagnosed as typhus, Dr. Probst, secretary of the State Health Board, was notified.

Dr. Probst advised a further consultation which resulted in Saturday night's decision.

Had the Barberton medics disagreed or decided that the disease was typhus, the State Board would have sent a representative to Barberton.

According to information received from Columbus, there are very few typhus cases in the United States.

The remaining members of the Whitman family, who are ill, are expected by the physicians, to recover.

The two pigeons, which were recently released at the Colonial hotel to fly to Niles, covered the ground in the remarkable time of 72 minutes and 72 minutes and 15 seconds, respectively. Further speed contests which were proposed will be postponed until more suitable weather.

A poker game conducted by John Smiley, over Lafferty's saloon, was raided by Marshal Coulton Saturday night. Smiley and nine others were found, and the paraphernalia for the game was confiscated. The cases will be settled later.

The bids for the contract of lighting Barberton will be opened on Christmas eve, and he who bids lowest will doubtless receive the contract as a Christmas present.

H. R. Erase, the Second st. druggist, has built an addition to his store, in which he has placed a stock of wall paper, and will cater to the trade.

## Delegate Elected.

The meeting of the members of the Phi Delta Theta Alumni chapter was held in the office of Beery & Snyder, Saturday night. Mr. L. J. Schlesinger was elected to represent the chapter at the annual convention to be held this week at Louisville, Ky. Mr. Schlesinger, accompanied by Mr. Frank Hulet will leave Tuesday for the convention.

## Botzum Bros.

Wholesale and Retail Dealers in  
Flour, Feed, Baled Hay, Straw,  
Grain, Field Seeds, Lime, Cements,  
Salt, Etc.

113-115 S. Main St. Telephone 574

## Too Late to Classify

WANTED—25 good organizers, salary \$15 a week. Apply at once, room 100, Hamilton building, 188-190.

WANTED—500 people of Akron to list any real estate they have for sale with the Citizens' Co-operative Real Estate Co., room No. 100, Hamilton Building, 188-190.

## SPECIAL NOTICE.

The United States Building & Loan Co., one of Akron's strongest and most substantial financial institutions, has a limited amount of paid up and running stock to dispose of at \$101 per share. This Company has a paid in capital of over \$500,000.00 with more than \$1,000,000.00 of approved securities upon real estate. Six per cent. interest is paid upon both classes of stock; Four to five per cent. is paid upon time deposits. If you have money to invest or deposit, call and see us. Money also loaned on real estate on most favorable terms.

W. C. Marple, Sec.  
Under Hotel Buchtel.

## Card of Thanks.

We wish to extend our sincere thanks to the Cleveland, Akron & Columbus railroad for the extra coach; to the many friends for their floral offerings, and especially to the neighbors for all their kindness in our late bereavement.

William Barnes,  
Herbert Richardson and Relatives.

## Notice.

All members of Sheet Metal Workers local union number 114, are requested to meet at office of Kaseh Roofing Co. at 6:30 Tuesday evening to arrange for the funeral of Brother Frank Werner.

A. G. EDWARDS, Pres.

## WEST HILL

## Coming Into Favor

As Akron's Leading Residence Section.

## Something About the Many Improvements

## That Are Being Undertaken There.

## Extension of Street Railway Opens New Territory.

The work of double tracking West Market street will be commenced next spring by the Northern Ohio Traction company, and several other expensive improvements are just now being considered for that section of the city, where the growth has been simply remarkable during the past ten years.

As has been mentioned the West Market street line has been extended to the new corporation line within a five minutes' walk to the County Infirmary and the coming year will undoubtedly see a new line built from West Market street at the corporation limits across to the West Maple street end of the loop line near Grace school.

The new line, according to plans already being considered, will pass to the west of the Marvin, Goodrich and Work properties, places which are attracting very great attention because of their locations and the architecture of the buildings.

Some time ago the property owners on Merriman street made a proposition to the Northern Ohio Traction company to build a line out that street, but the company refused to accept the proposition, evidently for the reason that it could be clearly seen that the growth of the city is destined to be out West Market, and in that section between Market and the historic Perkins hill.

A petition is now being circulated and will soon be presented to the Council asking for the improvement of West Market street from Kuder avenue to the new city limits. The petitioners will ask that the street be paved and that the lighting system be extended to the corporation limits.

A neat waiting station is to be built by the Northern Ohio Traction company and property owners at the end of the West Market street line and will be lighted, heated and provided with a telephone. Great as has been the development in this section of the city during the past five or ten years it is evident that it has but commenced and as a beautiful residence part of the city its FUTURE cannot even be predicted.

Plans are being considered for a number of beautiful residences to be built in the near future in this section of the city. Ten years ago May & Fieheger purchased a tract of land on the north side of Market street at the end of the extension of the street railway line.

Attorney Dayton A. Doyle is to build a \$10,000 mansion at what has become known as Twin Oaks. The property adjoins that of the May & Fieheger tract. Mr. Doyle will build just as soon as he can sell his present home on West Market street, near Balch street.

Mr. Michael Mull is to build a beautiful residence on the opposite side of the street from the May & Fieheger tract.

Mr. E. G. Work, superintendent of the B. F. Goodrich company, is building a \$20,000 mansion at Perkins Hill on Portage Path near the Marvin and Goodrich residences. This is one of the historic spots of the city for it is here that the old Perkins homestead may be seen and also the house in which the famous John Brown lived when a resident of Akron. This house is now occupied by the Portage Golf club.

Mr. J. R. Nutt, treasurer of the Central Savings Bank company, has purchased the pretty Holaday residence

## A. Polsky

## Linen Sale.

FOR.....  
Tuesday and Wednesday.

We have placed on sale 1,000 yards BLEACHED IRISH TABLE LINEN, in lengths of 2, 2½ and 3 yards, regular 75c and 85c linen. Take your choice the 50c yd two sale days at.....

HEMSTITCHED TABLE CLOTHS, 2 and 2½ yards long, with NAPKINS to match, at bottom prices.

HEMSTITCHED LUNCH CLOTHS, pure linen, at..... \$1.00 and \$1.50

NAPKINS at..... 60c, 75c, \$1, 1.25, 1.50 \$1.75, \$2.00, \$2.25, 2.50

Large assortment of fine TOWELS at..... 10c, 12½c, 15c, 19c, 25c, 35c, 50c

A. POLSKY, 145 S. Howard-st.

on West Market street, near Kuder avenue, and he will move there in the spring.

During the past summer Attorney George G. Allen completed a \$11,000 residence which he is now occupying, at the corner of West Market street and Kuder avenue. It is colonial in style of architecture and is indeed a very beautiful home.

General Charles Dick, who has become a national figure in the political history of the country and who occupies a seat in Congress, is one of the prominent residents of the city who lives on West Market street. He has purchased the Colahan residence at the intersection of Marshall avenue, and he proposes to make it one of the finest residences in the city. His home has already become known as Dickville.

Mr. N. R. Steiner, president of the Chamber of Commerce, is one who has located permanently in the western part of the city. He is living in the house formerly occupied by General Dick at the corner of West Market street and Oakdale avenue.

As an evidence of the remarkable growth in this section of the city it might be mentioned that ten years ago property on Market street between Merriman street and Kuder avenue, sold at from \$10 to \$15 a foot, and today the same property is selling from \$50 to \$60 per foot frontage.

Use Democrat want column. It pays.

## Walking Shoes

## For Winter

Walking Shoes for Walking men. Flat and firm on the ground; heavy, manly-looking shoes. We can shoe you most anywhere you want to go.

Riding, Hunting, Walking To the ball, to the reception, office or home. Shoes for every occasion. Shoes as

Low as \$1.00 and

as High as \$6.00

Let us show them to you.

Trunks and Satchels.

## SHUMAKER &amp; CO.

117 S. Howard st.

## JUNGS HOLT FAST!

## Thanksgiving Ball,

Wednesday Evening, Nov. 28.

## Music Hall

Under the auspices of the Plattdeutsch Verein.

Admission 25 cents for gentlemen; ladies 10 cents.

Each ticket entitles the holder to a chance on a turkey.

The Democrat's Liners are growing because they bring results. Try them.

## BE YOUR OWN LANDLORD

Save Part of Your Present Rent Money AND LET THE BALANCE GO TOWARD BUYING THE HOUSE FOR YOURSELF.

WE SELL YOU A HOME for \$5.00 per month, and do not charge you any interest.

Citizens' Co-operative Real Estate Co.

Incorporated under the laws of the State of Ohio.

The next time you are down street, step in and talk it over with us.

Home Office, Room 100, Hamilton Bldg., Akron

## GEO. S. DALES &amp; SON

## Photo Cameras

At greatly reduced prices to reduce stock. Have just received a large variety of.....

## Photo Albums

From 10c up. LATEST STYLES.

## Photo Supplies

OF EVERY DESCRIPTION. WHOLESALE AND RETAIL

Tel. 1072 People's. 228 South Main St., Akron, O.

## BEFORE PURCHASING

## Gas Fixtures

Call and see us. We carry the LARGEST LINE OF MODERN FIXTURES in the city at VERY MODERATE PRICES.

CHAS. M. OBERLIN  
209 East Mill street.  
Phone 109.